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PTO/SB/21 (09-04)

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<b>TRANSMITTAL &amp; FORM</b> <small>JAN 05 2006</small> <small>(to be used for all correspondence after initial filing)</small>		Application Number	10/630,595	
		Filing Date	July 29, 2003	
		First Named Inventor	Yagawa, Yuichi	
		Art Unit	2161	
		Examiner Name	Safet Metjahić	
Total Number of Pages in This Submission		8	Attorney Docket Number	16869B-064300US

<b>ENCLOSURES (Check all that apply)</b>		
<input checked="" type="checkbox"/> Petit ion Fee Transmittal <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition to Make Speci <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard Two (2) cited references
<input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<b>Remarks</b> The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

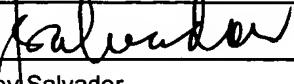
**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Chun-Pok Leung		
Date	January 5, 2006	Reg. No.	41,405

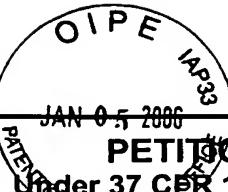
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Signature	
Typed or printed name	Joy Salvador
Date	January 5, 2006

JAN 05 2006



**PETITION FEE  
Under 37 CFR 1.17(f), (g) & (h)  
TRANSMITTAL**  
(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/630,595
Filing Date	July 29, 2003
First Named Inventor	Yagawa, Yuichi
Art Unit	2161
Examiner Name	Safet Metjahic
Attorney Docket Number	16869B-064300US

Enclosed is a petition filed under 37 CFR §1.102(d) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see or PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 20-1430:  
 petition fee under 37 CFR 1.17(f), (g) or (h)       any deficiency of fees and credit of any overpayments  
 Enclose a duplicative copy of this form for fee processing.

Check in the amount of \$ \_\_\_\_\_ is enclosed.

Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

§ 1.53(e) - to accord a filing date.  
 § 1.57(a) - to accord a filing date.  
 § 1.182 - for decision on a question not specifically provided for.  
 § 1.183 - to suspend the rules.  
 § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.  
 § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

§ 1.12 - for access to an assignment record.  
 § 1.14 - for access to an application.  
 § 1.47 - for filing by other than all the inventors or a person not the inventor.  
 § 1.59 - for expungement of information.  
 § 1.103(a) - to suspend action in an application.  
 § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.  
 § 1.295 - for review of refusal to publish a statutory invention registration.  
 § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.  
 § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.  
 § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.  
 § 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.  
 § 5.12 - for expedited handling of a foreign filing license.  
 § 5.15 - for changing the scope of a license.  
 § 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

§ 1.19(g) - to request documents in a form other than that provided in this part.  
 § 1.84 - for accepting color drawings or photographs.  
 § 1.91 - for entry of a model or exhibit.  
 § 1.102(d) - to make an application special.  
 § 1.138(c) - to expressly abandon an application to avoid publication.  
 § 1.313 - to withdraw an application from issue.  
 § 1.314 - to defer issuance of a patent.

Signature

Chun-Pok Leung

Typed or printed name

January 5, 2006

Date

41,405

Registration No., if applicable



PATENT  
Attorney Docket No.: 16869B-064300US  
Client Ref. No.: HAL239  
340300263US01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

YUICHI YAGAWA

Application No.: 10/630,595

Filed: July 29, 2003

For: DATABASE QUERY  
OPERATIONS USING  
STORAGE NETWORKS

Customer No.: 20350

Examiner: Safet Metjahic

Technology Center/Art Unit: 2161

Confirmation No.: 1653

**PETITION TO MAKE SPECIAL FOR  
NEW APPLICATION UNDER M.P.E.P.  
§ 708.02, VIII & 37 C.F.R. § 1.102(d)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a petition to make special the above-identified application under MPEP § 708.02, VIII & 37 C.F.R. § 1.102(d). The application has not received any examination by an Examiner.

(a) The Commissioner is authorized to charge the petition fee of \$130 under 37 C.F.R. § 1.17(i) and any other fees associated with this paper to Deposit Account 20-1430.

(b) All the claims are believed to be directed to a single invention. If the Office determines that all the claims presented are not obviously directed to a single invention, then Applicants will make an election without traverse as a prerequisite to the grant of special status.

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(c) Pre-examination searches were made of U.S. issued patents, including a classification search and a key word search. The classification search was conducted on or around November 14, 2005 covering Class 707 (subclasses 2, 3, and 10) and Class 709 (subclasses 213 and 238), by a professional search firm, Lacasse & Associates, LLC. The key word search was performed on the USPTO full-text database including published U.S. patent applications.

(d) The following references, copies of which are attached herewith, are deemed most closely related to the subject matter encompassed by the claims:

- (1) U.S. Patent No. 6,085,223; and
- (2) U.S. Patent No. 6,732,117 B1.

(e) Set forth below is a detailed discussion of references which points out with particularity how the claimed subject matter is distinguishable over the references.

A. Claimed Embodiments of the Present Invention

The claimed embodiments relate to methods and apparatus for querying databases and obtaining the results from such queries and, more particularly, to systems and method for enabling more efficient processing of query operation of a database by employing a query provider coupled to a database system by a network.

Independent claim 1 recites a system for enabling queries to a database to be processed comprising: an application system for providing queries to a database system including the database, the database system coupled to the application system via a first connection; a storage system coupled to each of the application system and the database system; and a return path selector coupled to the database system for selecting a return path over which to return results from queries made to the database system, the return path selector selecting from among at least the first connection or the storage system.

Independent claim 17 recites a system for enabling queries to a database to be processed comprising: an application system for providing queries to a database system coupled to the application system via a first connection; a storage system coupled to each of the application system and the database system; and a request path selector coupled to the

application system for selecting a request path over which to send query data for requests made to the database system, the request path selector selecting from among at least the first connection or the storage system.

Independent claim 28 recites a system for enabling queries to a database to be processed comprising: an application system for providing queries to a database system coupled to the application system via a first connection, the application system including a database access system, and the database system including a gateway system; a storage system coupled to each of the application system and the database system; and the gateway system including a return path selector for selecting a return path over which to return results from queries made to the database system, the return path selector selecting from among at least the first connection or the storage system.

Independent claim 30 recites a system for enabling queries to a database to be processed comprising: an application system for providing queries to a database system coupled to the application system via a first connection, the application system including a database access system, and the database system including a gateway system; a storage system coupled to each of the application system and the database system; and the database access system including a request path selector for selecting a request path over which to send data for queries made to the database system, the request path selector selecting from among at least the first connection or the storage system.

Independent claim 31 recites a system for enabling queries to a database to be processed comprising: an application system for providing queries to a database system including the database, the database system coupled to the application system via a communications network connection; and a switch coupled to each of the database system and the application system; a storage system coupled to the switch; and a return path selector coupled to the database system for selecting a return path over which to return results from queries made to the database system, the return path selector selecting from among at least the communications network connection and the switch.

Independent claim 33 recites, in a system having a query provider which provides queries to a database system connected to it by a first connection, the query provider and the database system being coupled a storage system, a method of returning results to the

query provider comprising storing the results in the storage system at an address, and sending the address of the results over the first connection to the query provider.

Independent claim 41 recites, in a data storage system connected to an application system and a database system via a network, a method comprising: receiving from the database system over the network, results of execution of queries, the queries being sent to the database system by the application system; storing the results in a storage area that the database system and the application system can access; and sending, in response to a request from the application system, the results to the application system over the network.

Independent claim 42 recites, in a system having an application system, a database system connected to the application system via a first connection and a data storage system connected to the application system via a second connection, a method, comprising the steps of: sending a query from the application system to the database system by using the first connection; and obtaining at the application system, a result of execution of the query from the storage system via the second connection.

One of the benefits that may be derived is a system for implementing queries of databases which avoids the bottlenecks introduced by sending the query over a local area network, or retrieving large amounts of data in response to the query over the network.

**B. Discussion of the References**

It is submitted that the cited references, whether taken individually or in combination with each other, fail to teach the invention as claimed. In particular, the cited references, at a minimum, fail to teach in combination with the other limitations recited in the claims:

a first feature of the present invention as recited in independent claims 1, 28, and 31, and similarly stated in independent claim 33, wherein a database query system contains a return path selector for selecting a return path over which to return results from queries made to the database system, the return path selector selecting from among at least the first connection or the storage system (as recited in claims 1 and 28) or selecting from among at least the communications network connection and the switch coupled to the storage system (as recited in claim 31) (claim 33 is a method claim which recites, similarly, returning

results to the query provider comprises storing the results in the storage system at an address, and sending the address of the results over the first connection to the query provider);

a second feature of the present invention as recited in independent claims 17 and 30, wherein a database query system contains a request path selector for selecting a request path over which to send query data for requests made to the database system, the request path selector selecting from among at least the first connection or the storage system; and

a third feature of the present invention as recited in independent claim 42, and similarly stated in independent claim 41, wherein a method contains the step of obtaining a result of execution of the query from the storage system via the second connection through which the storage system is connected to the application system (claim 41 recites, similarly, storing the results in a storage area that the database system and the application system can access, and sending the results to the application system over the network that connects the application system and the database system).

1. U.S. Patent No. 6,085,223

The patent to Cariño, Jr. et al. (6,085,223), assigned to NCR Corporation, provides for a Method and Apparatus for Providing Database Information to Non-Requesting Clients. Discussed is a relational database management system 210 and object server 212, which can take a request from client 220 and send the results to receiver client 258. As shown in Fig. 2, the client 220 is where user 221 requests are submitted and where results are normally displayed. The receiver clients 258 are client instances that receive subsets of queries submitted by another client instance. A request from a client 220 can result in some portion of a result set being transported to a receiving agent other than the client. The receiver clients 258 can participate in object transport connections, and receive result set elements and stage them for display, playback, or further processing by client applications. The object server 212 stores and manages objects, executes user-defined functions on those objects, performs connection operations through the virtual network 218 to transport selected objects, and participates in distributed transactions. See column 4, line 1 to column 5, line 47.

Cariño, Jr. et al., however, does not describe a return path selector for returning the results of the request to the user via the first connection or the storage system, or a request path selector for sending query data for requests made to the database system via the first connection or the storage system, or obtaining a result of execution of the query from the storage system via the second connection through which the storage system is connected to the application system.

More particularly, Cariño, Jr. et al. does not teach the above-described first feature of the present invention as recited in independent claims 1, 28, and 31, and similarly stated in independent claim 33; the above-described second feature of the present invention as recited in independent claims 17 and 30; and the above-described third feature of the present invention as recited in independent claim 42, and similarly stated in independent claim 41; in combination with the other limitations recited in each of the independent claims.

2. U.S. Patent No. 6,732,117 B1

The patent to Chilton (6,732,117 B1), assigned to EMC Corporation, provides for Techniques for Handling Client-Oriented Requests within a Data Storage System. Discussed is data storage system 66 that can receive a client-oriented request 82, such as a search request, and perform a database query on the database stored in storage devices 80. The data storage system 66 then provides the results of this database query to the application front-end 68 running on the client system 62 (see Figure 2; and column 8, lines 42-66).

Chilton is directed to a technique for handling a client-oriented request within a data storage system with reduced traffic through the cache of the system. Chilton does not, however, describe a return path selector for returning the results of the request to the user via the first connection or the storage system, or a request path selector for sending query data for requests made to the database system via the first connection or the storage system. Further, Chilton does not describe sending the client-oriented request via the server system and receiving the results via the storage system.

More particularly, Chilton does not teach the above-described first feature of the present invention as recited in independent claims 1, 28, and 31, and similarly stated in independent claim 33; the above-described second feature of the present invention as recited in independent claims 17 and 30; and the above-described third feature of the present

invention as recited in independent claim 42, and similarly stated in independent claim 41; in combination with the other limitations recited in each of the independent claims.

(f) In view of this petition, the Examiner is respectfully requested to issue a first Office Action at an early date.

Respectfully submitted,



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